

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
vs.	)	No. 08 CR 50026-01
	)	Magistrate Judge P. Michael Mahoney
JOSHUA L. DAVIS	)	(Judge Philip G. Reinhard)

**AGREED MOTION TO CONTINUE STATUS HEARING**

The United States of America, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, moves this court to continue the status hearing set in the above-captioned matter, and in support thereof, states the following:

1. This cause is currently scheduled for a status hearing on August 28, 2008 at 10:00 a.m.

2. On July 2, 2008, based on the motion of defendant, this Court ordered a psychiatric and/or psychological evaluation of defendant, Joshua L. Davis. On August 6, 2008, this Court granted the defendant's motion to continue the status hearing from August 7, 2008 to August 28, 2008 because the defendant's evaluation had not yet been completed. In accordance with the Court's order, the United States Marshals Service has transported defendant to a federal facility in the State of New York. Defendant is currently being undergoing the mental competency evaluation process. That process will not be complete prior to the status date of August 28, 2008. Based on current information, the evaluation process will be completed by September 23, 2008.

3. Title 18, United States Code, Section 3161(h)(1)(A) excludes, for purposes of calculating the time within which the trial in this case must be held, any period of delay resulting from any proceeding, including any examinations, to determine the mental competency of the defendant.

WHEREFORE, the United States respectfully requests the court to continue the status hearing of the defendant and reschedule the status hearing for September 23, 2008 at 11:15 a.m. The United States further requests pursuant to 18 U.S.C. § 3161(h)(1)(A) that the court exclude, for purposes of calculating the time within which the trial in this case must be held, the time period of August 7, 2008 through and including September 23, 2008, which is time during which the defendant's mental competency evaluation is taking place.

Respectfully submitted,

PATRICK J. FITZGERALD  
United States Attorney

BY: /s Joseph C. Pedersen  
JOSEPH C. PEDERSEN  
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**CERTIFICATE OF FILING AND SERVICE**

I, JOSEPH C. PEDERSEN, certify that on August 25, 2008, in accordance with Fed. R. Crim. P. 49, Fed. R. Civ. P. 5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document:

**UNITED STATES' MOTION TO CONTINUE TRIAL**

was served pursuant to the district court's ECF system as to ECF filers including defendant's attorney, Haneef Omar, Esq.

/s Joseph C. Pedersen  
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